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Inventors' Patent Manual,  
RELATING TO  
**United States AND Foreign Patents**  
BY  
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BY PERMISSION WE REFER TO

Mr. EUGENE CARUSI, Professor of Law, National Law University.

Hon. JOHN T. MORGAN, United States Senator.

Mr. Justice McARTHUR, of the Supreme Court of the District of Columbia.

Hon. H. O. CLAUGHTON, Professor of Law, National Law University.

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LAW AND PATENT OFFICES.

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*To Inventors, Manufacturers, and all interested  
in Patents :*

In publishing this pamphlet, and offering our services to inventors, we respectfully invite attention to our facilities for securing United States and Foreign Patents, and for conducting the several branches of this profession.

It has been our object in consulting the interests of clients to give particular attention to promptness in the preparation of their cases, and to fidelity and perseverance in their prosecution.

The system of granting letters-patent for inventions has its foundation and origin in the policy of enlightened governments to stimulate and encourage advancement and progress in the industrial arts, and such grants are in their nature analagous to contracts, the inventors and the public being parties thereto, and the consideration being established by statute.

From this it follows that the right of property which is protected by a patent is defined and measured by the language in which the specification and claims are couched, and in this connection section 4888 of the Revised Statutes enacts : "Before any inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same ; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions."

In following out the requirements of this statute, it is essential that the attorney to whose hands the invention is committed should have full knowledge of its legal consequences, and be thoroughly and accurately acquainted with the law, and have a competent knowledge of mechanics generally.

It has of late been judicially rendered in this connection that "the description in a patent must be so full and plain that a fairly compe-

tent workman in the art could take it and, exercising the then existing knowledge of the trade, follow it out, and by it, without invention or addition, construct an operative machine containing the parts mentioned in combination. If it requires experiment and invention to make and use the matter described, the patent is invalid;" and to the same effect the like doctrine has been declared in *Curtis on Patents*, section 255; *Turner vs. Winter*, 1 D. and E. 602; *Evans vs. Eaton*, 7 Wheat, 356; *McFarlane vs. Price*, 1st Stark, 158; *The King vs. Arkwright*, 1 Webs. Patent Cases, 64.

Because of the fact that under our practice the courts are without power to afford relief to an inventor if his patent is narrower in scope than his invention, it becomes of prime importance that it should be drawn by those only who are skilled in this department of patent practice, in order that this instrument, which is the contract wherein his rights are pointed out by metes and bounds, may include in it that full, clear and exact description contemplated by the statute, and those clauses designated as claims, so full as to positively and unmistakably extend to and embrace every feature of novelty to which the inventor is entitled.

In this connection the matter of competent counsel has been considered of so great importance that it has received official notice and been reduced to a written rule. The Rules of Practice of the Patent Office, under the revision of September 1st, 1880, embody the following: "As the value of patents depends largely upon the careful preparation of the specifications and claims, the assistance of competent counsel will in most cases be of advantage to the applicant; but the value of their services will be proportion-

ate to their skill and honesty, and too much care cannot be exercised in their selection."

### **WHAT MAY BE PATENTED.**

A patent may be obtained for any new and useful art, machine, process, manufacture, design or composition of matter, or for any improvement thereof.

### **TO WHOM GRANTED.**

A patent may be granted to any person, whether citizen or alien, for his invention or discovery, provided the same has not been known or used by others in this country, or has not been patented or described in any printed publication in this or any foreign country, nor been in public use or on sale for more than two years prior to his application.

In case of the death of the inventor, the patent may be applied for by, and issued to, his administrator or executor. It may be issued in the name of the inventor and his assignees; or to him, as the inventor, and to the assignees as the owners.

### **HOW TO OBTAIN A VALID PATENT.**

The first step to be taken in this direction is to ascertain whether the invention is patentable, or whether it, or any substantial part thereof, has been patented by another.

For this purpose a preliminary examination is advisable in every instance, and it consists in making a thorough and exhaustive search in the Patent Office through the class to which the invention appertains. We have made this branch of our practice a special object, for by following it we are enabled to intelligently de-

cide upon the question of the patentability of the invention with comparative certainty.

Another important result of searches of this character is that by them we are brought into contact with the previous inventions of the class under consideration, immediately before preparing our client's case, which enables us the more readily to distinguish between the old and the new, and to bring out the points of novelty and special utility possessed by the new invention.

Upon the receipt of an intelligible sketch and a brief description, we will advise inventors as to the patentability of their inventions or discoveries. But for a special search of the character just referred to, we make a charge of five dollars in advance, which fee, should the report be unfavorable, covers the cost of copies of the references, which copies we forward. But should the examination result favorably, we report accordingly, and require a remittance of fifteen dollars, the first Government fee. On receipt of this fee, we immediately prepare the necessary drawings, the petition, oath, and specification, and forward them for the inventor's personal inspection and execution. When these papers are returned to us, together with fifteen dollars, part of our professional charge, the case is promptly filed in the Patent Office, and diligently prosecuted. When the application is allowed, the remaining installment of the agency fee, namely, fifteen dollars, is due. The final Government fee of twenty dollars can be paid at any time within six months from the date of the allowance; but in every instance we advise, in fact recommend, its prompt payment, as delay in this particular not infrequently involves the applicant in a vexatious litigation known as an interference.



## **SPECIFICATIONS.**

The specification being the ground-work of the patent, or that instrument which embodies a statement of the invention as regards its objects, its mechanical construction, and mode of operation, is therefore one to which too much attention cannot be paid. It should be full and copious, disclosing and describing the thing sought to be patented in a most exact and lucid manner; should clearly distinguish between what is old and known and what is new, and should be free from ambiguity, so that if the patent is brought into the courts no trouble will arise in understanding and appreciating the invention.

## **CLAIMS.**

As the value and right of property embodied in a patent exist essentially in the claims, it is therefore a matter of the greatest importance that they should be drawn by those only who have a full knowledge of their legal effect, and that their scope and comprehensiveness should be directed to include all that the inventor is lawfully entitled to, still guarding, on the other hand, against making them too broad, as such would result in rendering the patent invalid rather than in affording that rightful protection contemplated by law.

There was a time when it was thought that if an invention was simply patented ample protection was thereby afforded; but the extensive investments and enterprises connected with patent property have taught, especially the manufacturing public, that the scope and protection is defined by the language employed in the construction of the claims.



A patent, the claims of which are properly drawn, is much more easily introduced among manufacturers, for the reason that when submitted to their consulting counsel he is able to advise them with certainty as to the scope and meaning of the patent; and again this regard to the character of the claims frequently saves the necessity of litigation, since their clearness and unmistakable meaning makes it practicable for the defendant's counsel to pass upon, with comparative ease and certainty, the alleged infringement.

### **DRAWINGS.**

Upon the fullness, clearness, and accuracy of the drawings depend in many instances not only the value, but also the validity of patents. There is a great number of existing patents which are so poorly illustrated as to make it a difficult matter to ascertain exactly what construction was intended by the inventor. Such defects prove a source of serious trouble when it is desired to dispose of a patent or to test the validity of the same should it be brought before a court; the ambiguity thus arising making it also necessary to enter into certain explanations regarding the exact construction of the device, when negotiating with purchasers and manufacturers. To avoid these difficulties is our constant aim, seeing that every feature of the invention is properly and clearly illustrated.

### **MODELS.**

While under the present practice of the Patent Office models are not in every case required, it is discretionary with the Examiner; and by far the better plan, for an inventor to fur-

nish one. In this way unnecessary delays and expense are in many instances avoided.

### **CAVEAT.**

The object of a caveat is to afford protection to the inventor while experimenting on his invention, and it consists of a drawing and description of the incomplete invention.

Caveats remain in force one year from the date of filing, and entitle the caveator to notice if an application is made for a patent on a conflicting invention during that time.

They can be renewed from year to year.

### **INTERFERENCES.**

An interference is a proceeding instituted for the purpose of determining the question of priority of invention between two or more parties laying claim to substantially the same subject-matter.

They are decided upon the evidence adduced by the respective parties, and owing to the questions of "abandonment," "joint ownership," "public use," "reduction to practice," &c., &c., which are incidentally involved in proceedings of this character, they require for their judicious management much technical learning and legal ability, together with a nice discrimination and a thorough mechanical knowledge.

### **REISSUES.**

The object of a reissue is to correct any defects in the original letters-patent, which may have arisen through inadvertence, accident or mistake, whereby it may be rendered inoperative or invalid. Nothing can be embraced in a

reissue that was not shown or described in the original patent; and if the purpose of the reissue is to enlarge or expand the scope of the claims, it is necessary under the recent decisions of the courts, that such reissue application should be made within a reasonable time after the date of the original, it being unsafe to delay more than two years.

As it is a fact well known that many defective patents are constantly issuing which, either through misapprehension on the part of the inventors as to the vital points of the inventions or through the incompetency of attorneys, fail to afford adequate protection; we would therefore advise and suggest, in view of the recent decisions relative to reissues, that parties owning such patents, submit them without delay to competent counsel for examination and report, as to the probability of remedying the defects by a reissue.

We are engaged, particularly, in this branch of the practice, and upon the receipt of the date and number of the patent, together with a statement of the supposed defects and a remittance of ten dollars to cover the time and labor involved, we shall be pleased to make a report and render an opinion as to the proper course to pursue. Should the reissue be applied for, this charge is credited on account of the remaining fees, which are governed by the services rendered in each case and agreed upon before it is proceeded with.

### **REJECTED CASES.**

Owing to the fact that applications are frequently rejected, and never afterwards diligently prosecuted, there necessarily accumulates under this category a large number of

valuable inventions. Cases of this character entrusted to us receive prompt investigation, after which a report is made as to the real probability of securing a patent by further and careful prosecution. If, in our opinion, a patent can be secured, the fees are about the same as in ordinary original applications, and are agreed upon before proceeding with the case.

We give these cases particular attention.

### **APPEALS.**

The necessity of an appeal arises when an application is finally rejected by the Examiner, the resort being first to the Board of Examiners-in-Chief, the Government fee for which is ten dollars. From an adverse decision by the Board, an appeal lies to the Commissioner in person, and from him to the Supreme Court of the District of Columbia sitting in banc.

The proper conduct of appeals requires great skill and professional qualifications, the faculties of clear discernment and argumentative force being pre-eminently requisite. Our charge for such cases is determined by the character of the case itself, and is agreed upon before it is undertaken.

### **TRADE-MARKS.**

Persons, firms and corporations wishing to register trade-marks, should first send us copies or fac-similes of the same, stating what particular class of merchandise they have used them upon. When this information is received, the proper papers will be promptly prepared and forwarded for execution. The registration remains in force thirty years.

## **DESIGNS.**

Patents are granted for any new and original design for a term of three and one-half, seven, or fourteen years. The applicant should send us photographs or engravings of the design.

## **PRINTS AND LABELS,**

To be attached to manufactured goods, may be registered in the Patent Office, such registration being for a term of twenty-eight years.

## **LEGAL OPINIONS.**

We make it a special object of practice to prepare written legal opinions on all questions relating to patent causes. Owing to the encouragement held out by the U. S. Patent system, there have developed on this account very large and extensive business enterprises, which operate exclusively upon patent property and which depend upon letters-patent for their protection.

It becomes necessary then that such institutions should be well acquainted with the scope and legal significance of the patents under which they are operating, for which purpose it is primarily essential that they should ascertain whether their patents are valid, as well as whether they are being infringed upon by others. The object of the opinions here alluded to, is to ascertain these facts. To the proper preparation of them it is essential that thorough investigation should be made through the U. S. and Foreign patents, and through scientific works relating to the particular subject in hand.

It not unfrequently happens that manufacturers engaged in the sale of machinery and different articles of commerce protected by patents,

are attacked by threats and allegations from competing firms in the trade, that their goods are infringements of the patents owned by the latter, and that they will prosecute all persons thus engaged; the result of which is to frequently stifle these business enterprises and to drive off customers, while in many cases no infringement exists. Instances of this kind have come to our personal knowledge, which have proved a source of serious annoyance and expense. Opinions of the character here referred to are also of use in this connection.

If by investigation it is ascertained that the threats are unfounded, opinions containing a full and accurate statement of the facts may be distributed among the trade, and thus relieve them from any further fear of purchasing the alleged infringing goods. The above considerations apply with equal force as to the course of procedure in bringing suit, as no careful or judicious litigant will enter suit upon letters-patent trusting to the *prima facie* evidence which they represent of the title of the patentee to protection for his invention or discovery.

Neither is it safe to purchase a patent without first having such investigation made, in order to ascertain whether it infringes upon the rights of others and whether it is valid; just as should be done in the purchase of real estate, for the purpose of ascertaining whether the title is good.

### **COPY-RIGHTS.**

Copy-rights are granted to residents and citizens of the United States. They remain in force for a period of twenty-eight years from the time of recordation.

**SCHEDULE OF FEES.**

	Gov't Fee.	Atty's Fee.
For a Patent, first fee.....	\$15.	\$15. } Ordinary
For a Patent, final fee....	20.	15. } cases.
For a Caveat....	10.	10.
For a Reissue .....	30.	30 & upwards.
For a Trade Mark ....	25.	20.
For a Design, 3½ years,.....	10.	15.
For a Design, 7 years.....	15.	15.
For a Design, 14 years.....	20.	15.
For Prints and Labels .....	6.	5.
For Appeals to the Board .....	10.	5.
For Appeals to Commissioner..	20.	10.
For App'ls to Dis.C't, docket fee	10.	50 & upwards.
For interlocutory appeals to the Commissioner	no charge	
For Assignments, Gov't and Atty's fees, total,	\$3 to \$5.	
For Copy-rights, Gov't and Atty's fees, total,	\$5.	
For Preliminary examination, \$5.	(See pages 4 and 5.)	

**FOREIGN PATENTS.**

The fact that American inventions are becoming of great value in foreign countries on account of the improved state of our machinery and perfection in the several branches of the industrial arts, has made it a matter of importance that home inventions should be protected in foreign countries, for which reason we have made it a special object of our practice to secure foreign patents; and having, besides other facilities, agents abroad, we are prepared to successfully serve inventors in this capacity.

From the appended schedule of fees, it will be noticed that the cost of foreign patents is in excess of that of U. S. patents, but it should be remembered that none of the countries, (save Canada,) requires a model, and that if the application is prepared by an attorney having a competent knowledge of the foreign laws, it can be made to include several distinct inventions, for which separate fees would be required by our Patent Office, thus compensating for the difference in the cost.



## Schedule of Fees for Foreign Patents.

Great Britain, (including England, Scotland, Ireland, Wales and the Channel Islands.)..	\$250.
Provisional protection.. .. .	125.
Canada, (model required,) (including Quebec, Ontario, Manitoba, Novia Scotia, British Columbia, and New Brunswick,) five years, \$50; ten years, \$70; fifteen years.....	90.
France.....	100.
Belgium .....	75.
Austria, (including Hungary) .....	100.
Germany, (including Baden, Bavaria, Saxony, and Wurtemberg) .....	100.
Norway .....	150.
Sweden .....	175.
Denmark .....	125.
Russia, three years, \$250; five years, \$425; ten years .....	550.
Spain, (including the Philippine Islands, Porto Rico, and Cuba).....	100.
Portugal, five years, \$250; fifteen years.....	400.
Italy.....	100.

Estimates for other countries furnished on request.

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